

KEITH COLE, et al,
Plaintiffs,

v.

BRYAN COLLIER, et al
Defendants

§
§
§
§
§

CIVIL ACTION NO: 4:14-CV-1698

United States Court
Southern District of Texas
FILED

FEB 05 2018

David J. Bradley, Clerk of Court

ADVISORY BRIEF CONCERNING

TDCJ-ID "BAD FAITH CONTRACT"

ACTIONS WHILE SETTLEING OUR

INMATE PROPERTY CLAIMS ON

11/10/17

ON 11/10/17 TDCJ-ID DID COME TO THE LEBLANC UNIT TO ATTEMPT TO SETTLE INMATE PROPERTY CLAIMS AS THEY TOLD JUDGE ELLISON THEY WOULD IN A PREVIOUS BRIEF (APPX 10/30/17).

AFTER SOME RESEARCH IN THE LAW LIBRARY I FOUND OUT ABOUT "BAD FAITH CONTRACTS" IN WHICH PARTIES ARE COERCED INTO SIGNING DOCUMENTS TO SETTLE FOR ITEMS THAT THEY DID NOT AGREE TO. ALSO, TDCJ-ID HAD STATED IN A PREVIOUS BRIEF TO THE JUDGE THAT THEY WOULD CREATE A DOCUMENT TO EXPEDITE SETTLEMENT CLAIMS, APPOINT A PERSON ON THE UNIT TO PASS OUT THIS DOCUMENT TO ALL INMATES, AND FURTHER ENCOURAGE ALL INMATES TO FILE. THIS IS NOT WHAT HAPPENED.

ON 11/10/17 WHEN TDCJ-ID ATTEMPTED TO SETTLE WITH ME THEY HAD NOT YET PASSED OUT THE EXPEDITED DOCUMENT, APPOINTED AN OVERSEER TO ENCOURAGE US TO FILE, OR EXPLAIN TO US ABOUT DAMAGED PROPERTY, LOST PROPERTY, OR STOLEN PROPERTY CLAIMS. INSTEAD, WE WENT THROUGH A HAGGLING PROCESS WHERE I WAS TOLD "TAKE IT OR LEAVE IT." THIS MADE ME FEEL AS IF IT WAS UP EITHER TAKE THIS OR GET NOTHING.

FURTHERMORE, I WAS GIVEN OLD STALE ITEMS THAT TDCJ-ID HAD CONFISCATED FROM OTHER INMATES: SOUPS AND PORK SKINS THAT WERE STALE AND VERY OLD, I WAS ALSO GIVEN RANCH DRESSINGS THAT WERE NOT EVEN SOLD ON COMMISSARY ANYMORE. TDCJ-ID DID NOT GIVE ME BACK THE ACTUAL ITEMS THAT I HAD CLAIMED WERE EITHER LOST OR STOLEN, THEY MADE IT SEEM AS IF I HAD TO TAKE THIS OR NOTHING. FURTHERMORE, THEY TRIED TO GIVE ME A USED RADIO AND NIGHT-LIGHT THAT I DIDN'T EVEN SEEK DAMAGES FOR. ALSO, SINCE TDCJ-ID RAN OUT OF CONFISCATED PROPERTY THEY WERE USING TO SETTLE WITH THE LADY WHO WAS SETTLING WITH ME ASKED IF I WOULD TAKE A PAIR OF SIZE 10 1/2 NEW BALANCE USED TENNIS SHOES, AND STATED "THIS WAS IT," I WEAR A SIZE 8 1/2, BUT I TOOK IT BECAUSE I WAS UNDER THE IMPRESSION THAT I WOULDN'T GET ANYTHING IF I DIDN'T TAKE THIS.

Secondly, after this process I WAS USHERED OVER TO ANOTHER TABLE AND A MAN TOLD ME TO FILL OUT THIS PAPERWORK WHICH ENDED UP BEING THE EXPEDITED FORM (PROPERTY DAMAGE) THAT TDCJ-ID HAD TOLD THE JUDGE THEY WERE GOING TO PASS OUT TO ALL INMATES. THEY DIDN'T PASS IT OUT ONLY "TACKED IT ON" AT THE END OF THE HAGGLING PROCESS WITH NO EXPLANATION. FURTHERMORE, IN HIND-SIGHT, I NOW REMEMBER THAT THE FORM HAD THE WORDING DAMAGED PROPERTY ON THE HEADING. I NEVER FILED FOR DAMAGED PROPERTY, ONLY LOST/STOLEN PROPERTY. SINCE NO OVERSEER HAD PASSED OUT THE FORMS, OR EXPLAINED ANYTHING TO ME, I KNEW NOTHING ABOUT DAMAGED PROPERTY RELIEF.

PLEASE ALLOW THE COURT TO FIND IN MY PREVIOUS PERSONAL ADVISORY BRIEF TO THE COURT CONCERNING THIS VERY ISSUE (APX. OCT/NOV. 2017) EVIDENCE IN THE FORM OF STEP 1 AND STEP 2 GRIEVANCE CONCERNING LOST/STOLEN PROPERTY CLAIMS ONLY. NO WHERE HAVE I EVER FILED A CLAIM FOR DAMAGED PROPERTY.

LASTLY, I WAS COERCED INTO A "BAD FAITH CONTRACT," TOLD THERE WAS NO MORE COMMISSARY, ONLY TO FIND OUT LATER THAT ON THE LAST FEW CLAIMS INMATES WERE GIVEN BRAND NEW (EXACT) ITEMS STRAIGHT OUT OF THE COMMISSARY ON THE Leblanc UNIT.

THE FOLLOWING IS PERSONAL ACCOUNTS FROM OTHER INMATES WHO LIVE ON MY 68 MAN POD WHO HAVE ALSO BEEN TREATED IN THE SAME FASHION: (Leblanc UNIT 2 BLDG. F-POD)

[A] I EXPERIENCED THE SAME TYPE OF TREATMENT WHEN SETTLING THE FIRST TIME HUNTSVILLE CAME. I WAS GIVEN HEAD PHONES THAT DID NOT WORK, EVEN THOUGH HEADPHONES WERE NOT ON MY CLAIM. ALSO, FOOD THAT WAS NOT EDIBLE, OR, WHAT I WAS CLAIMING WAS LOST. AFTER THE PROCESS OF "TAKE IT OR LEAVE IT, THIS IS ALL WE ARE OFFERING" I WAS ASKED TO SIGN A DOCUMENT AND WHEN I ASKED ABOUT THE DAMAGED PROPERTY THE PERSON TOLD ME THAT THEY WERE NOT AT LIBERTY TO DISCUSS "ANYTHING" I LATER FILED A CLAIM FOR DAMAGED PROPERTY THAT HAS NOT BEEN ACKNOWLEDGED. THIS SYSTEM WAS NOT FAIR TO THE INMATES ON THE FIRST

Settlement Attempt By THE STATE ON (11-10-17).
Please Look INTO THIS MATTER.

JASON POWELL SMITH #1112548



[B.] I, Lupe Hernandez, also recieved "A Bad Faith Contract", I was given stale food items, a hot pot that leaks and a pair of boots a size too big and a lot older than the pair that I never recieved. I was also told to take these items because it was all I would ever be offered to replace the property I never recieved. This all occurred on 11-10-17. I was never told that we would be able to make a claim for my damaged property that was deliberately thrown from a semi into the rain and left there for days. When this property was finally given to me weeks later everything was moldy and wet.

I was tricked into signing paperwork for damaged property when I was only suppose to be signing for lost and stolen property.

(Pg. 4.)

Today, ¹⁻³⁰⁻¹⁸ T.D.C.J came to the LeBlanc Unit and did not acknowledge my claim for damaged property as they told Honorable Judge Ellison, they would.

Lupe Hernandez
#1515902

Andy, Lupe

[C] Today on 1-30-18 T.D.C.J. WAS AT the LeBlanc Unit in Beaumont TX TO settle ON Lost AND ~~at~~ Damage property. ON my damage close relations photos of my LOVED ONES TDCJ Reps told me that they would NOT settle OR give ANY Settlement ON my personal pictures. My pictures of my mother NOW DEAD were REAL valuable to me. Could you please assist me ON this matter

Dennis Capps
#1772509
DENNIS W. CAPPS

(P.S.)

APPENDIX A.

This appendix compiles a list of EACH ~~INDIVIDUAL'S~~ DAMAGED PROPERTY CLAIM(S):

James A. Meeks III

#543366

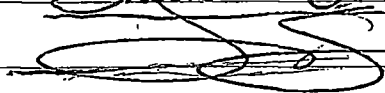
1 DAKES STUDY BIBLE	\$50.00
3 Sweetner	\$2.85
30 Ramen Soups	\$4.00
3 Columbian Coffee	\$5.70
2 Legal Tablets	\$4.00
1 Tuna/water	\$1.45
2 Pickle	\$1.30
2 Kosher Chili beans	\$3.00
1 Toilette Tissue	\$.55
2 Chili with beans	\$3.90
Total:	\$81.75

James A. Meeks III
#543366

Jason P. Smith

#1118548

2 Columbian Coffee	\$3.90
1 Peanut Butter Cookie	\$1.50
1 Corn Chips	\$1.50
20 Oatmeal	\$3.00
5 Ramen Soups	\$1.50
1 Key Lock	\$10.50
3 folders	\$3.00
1 STRONG'S CONCORDANCE (BIBLE)	\$24.99
Total:	\$49.89

Jason P. Smith #1118548


Appendix A (CONT)

DENNIS WAYNE CAPPS

#1772509

1 Photo Album containing
80 personal family Photos \$280.00

(*Note* TACS - ID charges)
(Per. Photo at visitations)

Dennis Capps #1772509

Delvin C. Washington #1817367

Radio & Headphones \$25.50

5 Composition Books \$7.50

3 Typing Paper 2.85

25 Stamped envelopes \$12.50

1 Photo Album (78 Photos) \$500.00

Certificates, Bible, Legal Papers

Tennis Shoes Sz 13 49.00

Delvin C. Washington

#1817367

Delvin C. Washington

Hernández, Lupe #151590

17 post stmps. 8.33

12 envelopes .36

13 legal pads 26.00

2 refried beans 3.00

2 Kosher beans 3.00

2 corn chips 3.10

1 tortilla chips 1.55

1 Jal. Chips 1.30

2 crm. Cookies 2.30

16 soups 4.80

17 mint sticks 1.70

2 photo album 300.00

1 baby powder 1.00

2 5x t-shirts 17.50

1 thermal top 6.00

3 columbian coff. 5.70

4 pork skins 2.60

Hernández, Lupe #151590

Lupe Hernández

543 366

JAMES ARTHUR MECKS III

#543366

Leblanc Unit

3695 FM 3514

BEAUMONT, TX, 77705

United States District Court
Southern District of Texas
FILED

FEB 06 2018

David J. Bradley, Clerk of Court

SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION



DAVID BRADLEY, CLERK

UNITED STATES DISTRICT COURT

Southern District of Texas

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77208-101010

